

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1661 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

ANIL DAVE

Versus

GENERAL MANAGER (O)

Appearance:

MR CHIRAG KOTHARI for Petitioner

MR AS VAKIL for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 30/08/1999

ORAL JUDGEMENT

1. The petitioner, is an officer of the Bank who is also one of the accused in the special criminal case No.15/90. He was placed under suspension under the order dated 27th December, 1989. The chargesheet has been given to him vide memo dated 29th January, 1992. The criminal case is on selfsame charges, that is, the charges on which the chargesheet has been given to him by the respondent for departmental disciplinary proceedings.

The petitioner filed this petition and prayed for staying of the departmental inquiry till the decision of the criminal case aforesaid.

2. In this matter, on 11-3-1992, notice was issued and interim relief in terms of para-29(E) has been granted. On 17th June, 1992, the special civil application was admitted, and interim relief granted earlier was ordered to be continued till further orders. The Court has given direction to the City Sessions Court, Ahmedabad to proceed expeditiously with the trial against the petitioner and others in special criminal case No.15/90 (chargesheet filed on 11-4-1990). Though this order has been passed about seven years back, the counsel for the parties are in agreement that even in the criminal case, the charges have not been framed. Here, the petitioner is involved in serious charges of committing fraud with the bank money for which the criminal case is also filed.

3. This matter is squarely covered by the decision of this Court given today in special civil application No.3169 of 1991. For the reasons given therein, I do not find any justification to continue the interim relief which has been granted by this Court.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, granted by this court stands vacated. No order as to costs.

zgs/-